

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON MONDAY AUGUST 16, 2004 AT 7:00 P.M. VILLAGE HALL, 85 MAIN STREET, IRVINGTON, NEW YORK.

Present: Dennis P. Flood, Mayor
David A. Klassen, Trustee
Richard J. Livingston, Trustee
Jonathan A. Siegel, Trustee
Donald P. Marra, Administrator
Lawrence S. Schopfer, Clerk-Treasurer
Lino J. Sciarretta, Village Attorney’s Office
Michael Cerone, Police Lieutenant
Gregory R. Nilsson, Superintendent of Public Works

Mayor Flood called the meeting to order. Trustee Livingston made a motion for the Board to adjourn to executive session to take up legal and personnel matters. The motion was seconded by Trustee Siegel and unanimously approved.

Upon reconvening after executive session, the regular meeting was called to order by Mayor Flood who led the attendance in the pledge of allegiance to the flag of the United States of America.

Mayor Flood opened the floor to public comment on matters not contained on the agenda of the regular meeting. There were no comments from those in attendance.

Trustee Livingston made a motion to adopt the minutes of the regular meeting of the Board of Trustees held July 19, 2004. Trustee Siegel seconded the motion and it was unanimously approved.

Mayor Flood read correspondence from Carey Gross regarding the Department of Public Works; and David Steinmetz regarding Dearman Park. A copy of each piece of correspondence is attached hereto as a part of these minutes.

**RESOLUTION 2004-87
RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE TOWN OF GREENBURGH FOR COMMUNITY BASED YEAR-ROUND THERAPUTIC RECREATION PROGRAMS FOR CHILDREN AND ADULTS WITH DISABILITIES**

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel and adopted:

RESOLVED, to authorize Mayor Flood to execute an agreement with the Town of Greenburgh for community based year-round theraputic recreation programs for children and adults with disabilities provided the expiration date of said agreement is no later than December 31, 2006.

The vote resulted as follows:

AYES: 4 (Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS: NONE

**RESOLUTION 2004-88
APPOINTMENT OF A COURT CLERK**

Trustee Siegel offered the following resolution, which was seconded by Trustee Livingston and adopted:

RESOLVED, that Andrea Salvato is hereby appointed to the thirty-two hour per week position of Court Clerk, effective August 23, 2004, at an annual salary of \$34,000.

The vote resulted as follows:

AYES: 4 (Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS: NONE

**RESOLUTION 2004-89
AMENDED BOND RESOLUTION AUTHORIZING THE ADDITION TO THE SENIOR CITIZENS CENTER**

WHEREAS, on May 20, 2002, the Board of Trustees of the Village adopted a bond resolution (the "Original Resolution") authorizing the construction of an addition to the Senior Citizens Center in the Village at a maximum estimated cost of \$460,000, the plan of financing for which was the issuance of \$336,000 in tax-exempt serial bonds or bond anticipation notes of the Village together with a \$124,000 block grant, including costs incidental thereto and the financing thereof (the "Project"); and

WHEREAS, pursuant to the Original Resolution, there are currently outstanding \$336,000 in bond anticipation notes relating to the Project (the "Outstanding Notes"); and

WHEREAS, the Board of Trustees desires to amend the Original Resolution to provide that the maximum amount of obligations that may be issued by the Village to finance the Project shall not exceed \$671,500; and

WHEREAS, (i) the maximum cost of the Project shall not exceed \$671,500; (ii) the maximum amount of obligations that may be issued by the Village to finance the Project shall not exceed \$671,500, and (iii) the proposed maturity of the obligations will be in excess of five (5) years; and

NOW THEREFORE BE IT RESOLVED BY THIS BOARD OF TRUSTEES THAT THE ORIGINAL RESOLUTION SHALL BE AMENDED AS FOLLOWS:

Section 1. For the specific object or purpose of financing an addition to the senior citizens center in the Village, including costs incidental thereto and the financing thereof, the Village is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate principal amount not to exceed \$671,500, pursuant to the provisions of the Local Finance Law. Such amount shall include, and shall not be in addition to, the Outstanding Notes.

Section 2. The class of objects or purposes to be financed pursuant to this Resolution is the completion of the Project.

Section 3. It is hereby further determined that (i) the maximum cost of the Project, as estimated by the Board of Trustees, is \$671,500; (ii) pursuant to the Original Resolution, approximately \$460,000 has been applied by the Village towards the payment of the cost of the Project (\$336,000 of which has been financed with the proceeds of the Outstanding Notes issued pursuant to the Original Resolution); and (iii) the Village plans to finance the remaining cost of the Project entirely from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 4. It is hereby determined that the Project is one of the class of objects or purposes described in subdivision 12(a)(2) of paragraph (a) Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is fifteen (15) years.

Section 5. Subject to the provisions of the Local Finance Law, the power to further authorize the issuance of the Bonds and to authorize the issuance of bond anticipation notes issued in anticipation of the sale of the Bonds (including renewals thereof and taking into account the Outstanding Notes) and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the determination to issue the Bonds with a substantially level debt service schedule, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Clerk-Treasurer of the Village, the chief fiscal officer. The Clerk-Treasurer is hereby authorized to sign, attest and affix the corporate seal of the Village to any Bonds and bond anticipation notes issued pursuant to this Resolution. The Clerk-Treasurer is further authorized to sign, attest and affix the corporate seal of the Village to any documents that may be necessary to issue, sell and deliver the Bonds and bond anticipation notes.

Section 6. The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall be levied on all the taxable real property of said Village a tax sufficient to pay the principal and interest on the obligations as the same become due and payable, to the extent the necessary funds are not provided from other sources.

Section 7. The Village has complied with all provisions of the New York State Environmental Quality Review Act ("SEQRA") applicable to the Project.

Section 8. The proposed maturity of the Bonds shall exceed five (5) years.

Section 9. This Resolution shall be published in full by the Clerk-Treasurer together with a notice in substantially the same form prescribed by Section 81 of the Local Finance Law, and such publication shall be in the official newspaper of the Village.

Section 10. The validity of the bonds or any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested pursuant to Section 80.00 of the Local Finance Law only if: (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or (b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or (c) such obligations are authorized in violation of the provisions of the constitution.

Section 11. This resolution shall take effect immediately upon its adoption.

The vote resulted as follows:

AYES:	4	(Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS:	NONE	

RESOLUTION 2004-90

AMENDED BOND RESOLUTION AUTHORIZING THE DIGITIZATION OF THE MAPS OF THE VILLAGE WATER AND SEWER SYSTEM

WHEREAS, on July 18, 2003, the Board of Trustees of the Village adopted a bond resolution (the "Original Resolution") authorizing the issuance of \$30,500 in tax-exempt serial bonds or bond anticipation notes of the Village to pay for the digitization of the maps of Village water and sewer system, including costs incidental thereto and the financing thereof (the "Project") at a maximum estimated cost of \$30,500; and

WHEREAS, pursuant to the Original Resolution, there are currently outstanding \$30,500 in bond anticipation notes relating to the Project (the "Outstanding Notes"); and

WHEREAS, the \$30,500 maximum estimated cost of the Project that was authorized by the Board of Trustees represents only one phase of the multi-phase Project; and

WHEREAS, the Board of Trustees desires to amend the Original Resolution to provide that the maximum amount of obligations that may be issued by the Village to finance the Project shall not exceed \$150,000; and

WHEREAS, (i) the maximum cost of the Project shall not exceed \$150,000; (ii) the maximum amount of obligations that may be issued by the Village to finance the Project shall not exceed \$150,000, and (iii) the proposed maturity of the obligations will not be in excess of five (5) years; and

NOW THEREFORE BE IT RESOLVED BY THIS BOARD OF TRUSTEES THAT THE ORIGINAL RESOLUTION SHALL BE AMENDED AS FOLLOWS:

Section 1. For the specific object or purpose of financing the digitization of the maps of the Village water and sewer system, including costs incidental thereto and the financing thereof, the Village is hereby authorized to issue its serial general obligation bonds (the "Bonds") in the aggregate principal amount not to exceed \$150,000, pursuant to the provisions of the Local Finance Law. Such amount shall include, and shall not be in addition to, the Outstanding Notes.

Section 2. The class of objects or purposes to be financed pursuant to this Resolution is the completion of the Project.

Section 3. It is hereby further determined that (i) the maximum cost of the Project, as estimated by the Board of Trustees, is \$150,000; (ii) pursuant to the Original Resolution, approximately \$30,500 has been applied by the Village towards the payment of the cost of the Project and has been financed with the proceeds of the Outstanding Notes issued pursuant to the Original Resolution; and (iii) the Village plans to finance the remaining cost of the Project entirely from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 4. It is hereby determined that the Project is one of the class of objects or purposes described in subdivision 48 of paragraph (a) Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is five (5) years.

Section 5. Subject to the provisions of the Local Finance Law, the power to further authorize the issuance of the Bonds and to authorize the issuance of bond anticipation notes issued in anticipation of the sale of the Bonds (including renewals thereof and taking into account the Outstanding Notes) and to

prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the determination to issue the Bonds with a substantially level debt service schedule, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Clerk-Treasurer of the Village, the chief fiscal officer. The Clerk-Treasurer is hereby authorized to sign, attest and affix the corporate seal of the Village to any Bonds and bond anticipation notes issued pursuant to this Resolution. The Clerk-Treasurer is further authorized to sign, attest and affix the corporate seal of the Village to any documents that may be necessary to issue, sell and deliver the Bonds and bond anticipation notes.

Section 6. The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall be levied on all the taxable real property of said Village a tax sufficient to pay the principal and interest on the obligations as the same become due and payable, to the extent the necessary funds are not provided from other sources.

Section 7. The Village has complied with all provisions of the New York State Environmental Quality Review Act ("SEQRA") applicable to the Project.

Section 8. The proposed maturity of the Bonds shall not exceed five (5) years.

Section 9. This Resolution shall be published in full by the Clerk-Treasurer together with a notice in substantially the same form prescribed by Section 81 of the Local Finance Law, and such publication shall be in the official newspaper of the Village.

Section 10. The validity of the bonds or any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested pursuant to Section 80.00 of the Local Finance Law only if: (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or (b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or (c) such obligations are authorized in violation of the provisions of the constitution.

Section 11. This resolution shall take effect immediately upon its adoption.

The vote resulted as follows:

AYES:	4	(Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS:	NONE	

RESOLUTION 2004-91

AMENDED BOND RESOLUTION AUTHORIZING THE RENOVATION OF THE INTERIOR OF VILLAGE HALL

WHEREAS, on July 21, 2003, the Board of Trustees of the Village adopted a bond resolution (the "Original Resolution") authorizing the issuance of \$670,500 in tax-exempt serial bonds or bond anticipation notes of the Village to pay for the renovation of the interior of Village Hall (the "Project") at a maximum estimated cost of \$670,500; and

WHEREAS, pursuant to the Original Resolution, there are currently outstanding \$670,500 in bond anticipation notes relating to the Project (the "Outstanding Notes"); and

WHEREAS, the Board of Trustees desires to amend the Original Resolution to provide for that the maximum amount of obligations that may be issued by the Village to finance the Project shall not exceed \$1,100,000; and

WHEREAS, (i) the maximum cost of the Project shall not exceed \$1,100,000; (ii) the maximum amount of obligations that may be issued by the Village to finance the Project shall not exceed \$1,100,000, and (iii) the proposed maturity of the obligations will be in excess of five (5) years; and

NOW THEREFORE BE IT RESOLVED BY THIS BOARD OF TRUSTEES THAT THE ORIGINAL RESOLUTION SHALL BE AMENDED AS FOLLOWS:

Section 1. For the specific object or purpose of financing the Project, including costs incidental thereto and the financing thereof, the Village is hereby authorized to issue its serial general obligation

bonds (the “Bonds”) in the aggregate principal amount not to exceed \$1,100,000, pursuant to the provisions of the Local Finance Law. Such amount shall include, and shall not be in addition to, the Outstanding Notes.

Section 2. The class of objects or purposes to be financed pursuant to this Resolution is the completion of the Project.

Section 3. It is hereby further determined that (i) the maximum cost of the Project, as estimated by the Board of Trustees, is \$1,100,000; (ii) pursuant to the Original Resolution, approximately \$670,500 has been applied by the Village towards the payment of the cost of the Project and has been financed with the proceeds of the Outstanding Notes issued pursuant to the Original Resolution; and (iii) the Village plans to finance the remaining cost of the Project entirely from funds raised by the issuance of the Bonds and bond anticipation notes hereinafter referred to.

Section 4. It is hereby determined that the Project is one of the class of objects or purposes described in subdivision 12(a)(2) of paragraph (a) Section 11.00 of the Local Finance Law, and that the period of probable usefulness of the Project is fifteen (15) years.

Section 5. Subject to the provisions of the Local Finance Law, the power to further authorize the issuance of the Bonds and to authorize the issuance of bond anticipation notes issued in anticipation of the sale of the Bonds (including renewals thereof and taking into account the Outstanding Notes) and to prescribe the terms, form and contents of the Bonds and bond anticipation notes, including the consolidation with other issues and the determination to issue the Bonds with a substantially level debt service schedule, and to sell and deliver the Bonds and bond anticipation notes, is hereby delegated to the Clerk-Treasurer of the Village, the chief fiscal officer. The Clerk-Treasurer is hereby authorized to sign, attest and affix the corporate seal of the Village to any Bonds and bond anticipation notes issued pursuant to this Resolution. The Clerk-Treasurer is further authorized to sign, attest and affix the corporate seal of the Village to any documents that may be necessary to issue, sell and deliver the Bonds and bond anticipation notes.

Section 6. The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on such Bonds and bond anticipation notes as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall be levied on all the taxable real property of said Village a tax sufficient to pay the principal and interest on the obligations as the same become due and payable, to the extent the necessary funds are not provided from other sources.

Section 7. The Village has complied with all provisions of the New York State Environmental Quality Review Act (“SEQRA”) applicable to the Project.

Section 8. The proposed maturity of the Bonds shall exceed five (5) years.

Section 9. This Resolution shall be published in full by the Clerk-Treasurer together with a notice in substantially the same form prescribed by Section 81 of the Local Finance Law, and such publication shall be in the official newspaper of the Village.

Section 10. The validity of the bonds or any bond anticipation notes issued in anticipation of the sale of the Bonds may be contested pursuant to Section 80.00 of the Local Finance Law only if: (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or (b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or (c) such obligations are authorized in violation of the provisions of the constitution.

Section 11. This resolution shall take effect immediately upon its adoption.

The vote resulted as follows:

AYES:	4	(Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS:	NONE	

RESOLUTION 2004-92

RESOLUTION AUTHORIZING CERTAIN RENOVATIONS TO VILLAGE HALL, INCLUDING RENOVATION AND REPAIR TO THE ROOF, INFRASTRUCTURE, CLOCK

TOWER AND MECHANICAL SYSTEMS AND AUTHORIZING THE ISSUANCE OF TAX-EXEMPT SERIAL BONDS

BE IT RESOLVED, BY THE VILLAGE BOARD OF THE VILLAGE OF IRVINGTON, WESTCHESTER COUNTY, NEW YORK AS FOLLOWS:

Section 1. The renovation of Village Hall, including renovation and repair of the roof, infrastructure, clock tower, and mechanical systems, and the costs incidental thereto and the financing thereof (the "Project") is hereby authorized at a maximum estimated cost of \$370,000.

Section 2. The plan for financing such maximum estimated cost is by the issuance of \$370,000 tax-exempt serial bonds or bond anticipation notes of the Village (the "Bonds") hereby authorized to be issued therefor, pursuant to the Local Finance Law. Pursuant to Section 107.00 of the Local Finance Law, no current funds of the Village are required.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specified objects or purposes is ten (10) years, pursuant to subdivisions 12(a)(2) and 13 of paragraph (a) Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the Bonds herein authorized will not exceed ten (10) years.

Section 4. The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall be levied on all the taxable real property of said Village a tax sufficient to pay the principal and interest on the Bonds as the same become due and payable.

Section 5. Pursuant to the Sections 30.00, 50.00 and 56.00 to 60.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the Chief Fiscal Officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law. The Village Treasurer is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation thereof, and the Village Clerk is hereby authorized to affix the corporate seal of the Village to any serial bonds or bond anticipation notes issued pursuant hereto.

Section 6. The Board of Trustees of the Village prior to adopting this resolution has determined that each of the components of the Projects are "Type II" actions as that term is defined under Part 617 of the regulations of the New York State Department of Environmental Conservation and the Village is not required to undertake any further review of the environmental impact of the Projects.

Section 7. The Village hereby covenants and agrees with the holders from time to time of the tax-exempt Bonds and any bond anticipation notes issued in anticipation of the sale of the tax-exempt Bonds, that the Village will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended, and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 8. The validity of the bonds and bond anticipation notes may be contested pursuant to Section 80.00 of the Local Finance Law only if: (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or (b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or (c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This resolution is not subject to permissive referendum.

Section 10. The Village Clerk shall publish and post a notice in accordance with the provisions of Section 81.00 of the Local Finance Law together with a copy of this Resolution in full.

The vote resulted as follows:

AYES:	4	(Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS:	NONE	

RESOLUTION 2004-93

AWARD OF AN ELECTRICAL CONTRACT (2004-07) FOR VILLAGE HALL RENOVATIONS

Trustee Siegel offered the following resolution, which was seconded by Trustee Klassen and adopted:

WHEREAS, on April 19, 2004, contract 2004-07 (Electrical) was awarded to the lowest responsible bidder, Scotty Electric, and

WHEREAS, Scotty Electric was subsequently unable to comply with the insurance requirements and has subsequently requested that the Village not consider them for this contract, now therefore be it

RESOLVED, to award contract 2004-07 (Electrical) to the next lowest responsible bidder, Morabito Electric, for an estimated contract total of \$32,100.00 and to authorize the Village Administrator to execute said contract.

The vote resulted as follows:

AYES: 4 (Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS: NONE

RESOLUTION 2004-94

REQUEST FROM IMMACULATE CONCEPTION CHURCH TO USE MATTHIESSEN PARK FOR ANNUAL "MASS IN THE PARK" AND PARISH PICNIC

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel and adopted:

RESOLVED, that the Immaculate Conception Church request to use Matthiessen Park on Saturday, September 25, 2004 for their annual Mass in the Park and parish picnic is hereby granted. Any Village costs associated with this event will be paid for by the church via a direct reimbursement or by in-kind services such as use of school gymnasium by the Recreation Department.

The vote resulted as follows:

AYES: 4 (Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS: NONE

RESOLUTION 2004-95

AMENDMENT TO CHAPTER 213 (VEHICLES AND TRAFFIC) OF THE VILLAGE CODE

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel and adopted:

RESOLVED, to add the following into Chapter 213, Vehicles and Traffic, Article X, 213-32B:

(33) Northbound traffic on Field Terrace at the intersection of Osceola Avenue.

FURTHER RESOLVED, that this action has been determined to be a Type II pursuant to the State Environmental Quality Review Act, and as such, requires no further environmental review.

The vote resulted as follows:

AYES: 4 (Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS: NONE

Trustee Klassen reported on a recent water main break.

Trustee Livingston briefly outlined a new policy regarding guests and children at the Senior Citizens Center.

Mayor Flood discussed the most recent Police Department statistics report.

Trustee Livingston made a motion for the Board to adjourn to executive session to take up legal and personnel matters. The motion was seconded by Trustee Siegel and unanimously approved.

Page 8 - Minutes of August 16, 2004 Village Board Meeting

Upon reconvening after executive session, there being no further business, the meeting was adjourned.

Lawrence S. Schopfer, Clerk-Treasurer

Attachments